

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Jason James Smith

Case No.

Case: 2:22-mj-30375

Assigned To : Unassigned

Assign. Date : 8/31/2022

Description: RE: JASON JAMES
SMITH (EOB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 2022 through August 2022 in the county of Oakland in the
Eastern District of Michigan, the defendant(s) violated:*Code Section**Offense Description*

18 USC §§ 2252A(a)(2) and 2252A(a)(5)(B)

Distribution and possession of child pornography

This criminal complaint is based on these facts:
see attached affidavit.☒ Continued on the attached sheet.Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: August 31, 2022City and state: Detroit, MichiganMatthew M. Smith

Complainant's signature

Matthew M. Smith, Special Agent (HSI)

Printed name and title

David R. Grand

Judge's signature

Hon. David R. Grand, United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Matthew M. Smith, a special agent with U.S. Immigration and Customs Enforcement, Homeland Security Investigations, being duly sworn, depose and state as follows:

INTRODUCTION

1. I have been employed as a special agent (SA) with U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) since April 2015 and am assigned to the Cyber Group with HSI Detroit since September 2021 and the Michigan Internet Crimes Against Children (ICAC) taskforce since January 2022. While employed by HSI, I have investigated federal criminal violations related to child exploitation and child pornography. I have gained experience through the HSI Special Agent Training Academy Program and everyday work related to conducting these types of investigations. I have successfully completed the Basic Computer Evidence Recovery Training (BCERT) at the Federal Law Enforcement Training Center (FLETC), Advanced Computer Evidence Recovery Training (ACERT) at the HSI Cyber Crimes Center and the Cyber Crimes Center Mobile and Cellular Device Data Extraction course. I have received training in child pornography and child exploitation and have had the opportunity to observe and review examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. Moreover, I am a federal law

enforcement officer who is engaged in enforcing the criminal laws, including 18 U.S.C. §§ 2251, 2252, and 2252A, and I am authorized by law to request an arrest warrant.

2. This affidavit is made in support of an application for a criminal complaint and arrest warrant for Jason James SMITH for violations of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(a)(2) – possession and distribution of child pornography.

3. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information made available to me by other law enforcement professionals. These facts are provided for the sole purpose of establishing probable cause for the issuance of a criminal complaint and arrest warrant; therefore, this affidavit does not necessarily contain all information uncovered during this investigation. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause for an arrest warrant for Jason James SMITH.

PROBABLE CAUSE

4. Between May 2022 and August 2022, law enforcement has downloaded numerous files containing child sexual abuse material from the device at a specific known IP Address. On Thursday, June 9, 2022, HSI Grand Rapids was conducting an online investigation on P2P (peer to peer) networks for offenders sharing child pornography. Peer to peer file sharing programs allow groups of computers using the same file sharing network and protocols to transfer digital files from one computer system to another while connected to a network, usually on the Internet.

5. An investigation was initiated for a device for that IP Address because it was associated with torrents identified as being a file of investigative interest to child pornography investigations.

6. On June 9, 2022, a partial download was obtained of a video that a device at the above-referenced IP address was making available. This device was the sole candidate for the download, and as such, the file was downloaded directly from this IP address. The username given of the device was “dads10*****”.

7. I have reviewed the downloaded file and believe, based on my training and experience, that the video is child pornography as defined in Title 18, United States Code, Section 2256. The file name and a description of the video file downloaded is given below:

File name: 535256C09C358BF35DC482A1B6E23099.wmv

MD5 hash value: 535256C09C358BF35DC482A1B6E23099

Description: This video file depicts a nude pubescent female (approximately 12-14 years) sitting beside a nude prepubescent female (approximately 6-8 years). The two females begin kissing. The video skips to show the older female inserting a purple sex toy into the anus of the younger female. The video then skips to show a sex toy strapped to the hips of the standing older female while the younger female is on her knees and performs oral sex on the toy. The older female has her hand on the back of the younger female's head while the oral sex is performed. The video skips to show the younger female laying on her back with her legs spread and the older female performs oral sex on the younger female's genitalia. This file would constitute child pornography under federal law.

8. The IP Address associated with the download matched to a residence in Rochester Hills, Michigan associated with Jason James SMITH.

9. A criminal history check showed that SMITH had been arrested by the Waterford, MI Police Department in 2004 for Criminal Sexual Conduct 2nd Degree (Person Under 13). I obtained a search warrant for that residence in Rochester Hills.

10. Agents obtained a search warrant for SMITH's residence and executed it on August 31, 2022. Agents seized numerous electronic devices during that search warrant conducted at SMITH'S residence. During an on-scene preview of some of the electronic devices found in the basement, numerous files were found depicting child pornography. One hard drive found in the basement, Western Digital S/N: WCARY0346357, contained numerous videos of obvious and apparent child pornography. Examples include:

- a. File name: New PTHC 2019 9 yo girl fucks daddy fucked hard made her bleed hussyfan lola hurtcore.mp4
 - o Description: 28:59 second video depicting numerous scenes of child pornography to include the vaginal penetration of prepubescent minors.
- b. File name: New Pedo 2013 PTHC Luna 4yo VDP007 – pt03.mp4
 - o Description: 1:38 second video depicting what appears to be an adult male penis attempting to vaginally or anally penetrate what appears to be a prepubescent female.

11. SMITH's wife and stepson said that the electronic devices in the basement were SMITH's and were not used by anyone else. The hard drives also had tax return information on W-2s and 1099s for a business owned and operated by SMITH on them as well as child pornography files. SMITH was present at the residence at the time of the warrant.

12. I know that SMITH's prior conviction subjects to him to enhanced penalties for this offense.

CONCLUSION

13. I respectfully submit that there is probable cause to believe that Jason James SMITH violated Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(a)(2), which criminalize, among other things, the possession and distribution

of child pornography and other related materials, and request that the Court authorize an arrest warrant in this matter.

Respectfully submitted,

Matthew M. Smith

Matthew M. Smith, Special Agent
Homeland Security Investigations

Sworn to before me and signed in my presence
and/or by reliable electronic means.

David R. Grand

HON. DAVID R. GRAND
UNITED STATES MAGISTRATE JUDGE

Date: August 31, 2022